Applicant: Allen Carl, et al. U.S.S.N.: 10/019,265

RESPONSE TO OFFICE ACTION

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## **Amendments to Specification**

Pages 19-20 rewrite the paragraph starting at page 19, line 23 and carrying over to page 20 to read as follows:

After the arcuate through aperture 6a is formed, then the implant 160 is inserted therein so it is disposed within the through aperture 6a in one vertebrae 2, passes or extends across the intervertebral space 4 and disposed within the through aperture 6a of the other vertebrae. The implant 160 is made from any one ore or more suitable materials such as e.g. a metal such as titanium or stainless steel, bone, bone with bone morphogenic protein, carbon fiber composite, nitinol. The implant being inserted into the final aperture is made from one or more of a metal (e.g., titanium or stainless steel), bone, morphogenic protein (including a combination of bone and bone morphogenic protein), carbon fiber composite, nitinol or biodegradable materials such as polyactic acid or polyglycolic acids and copolymers and other derivatives thereof, or collagen and collagen coated metal or bone. The implant also may comprise an in situ-formed plug where the aperture acts as a mold for an epoxy or other polymer-based system. The implant, preferably is curved so it generally conforms to the radius of the arcuate through apertures 6a in each vertebrae 2, however, other geometric shapes are contemplated that are consistent with the intended use including straight members.

